

POLICY BULLETIN CHILD NUTRITION PROGRAMS

NSLP 18-08

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**SUBJECT: Applying Geographic Preferences in Procurements for the
Child Nutrition Programs**

**CONTACTS: Janelle Rose
Hillary Bushman**

**PH: (801) 538-7692
PH: (801) 538-7697**

Effective October 1, 2008, the National School Lunch Act allows institutions receiving funds through the Child Nutrition Programs to apply a geographic preference when procuring unprocessed locally grown or locally raised agricultural products. This applies to operators of all of the Child Nutrition Programs, including the National School Lunch Program, School Breakfast Program, Fresh Fruit and Vegetable Program, Special Milk Program, Child and Adult Care Food Program, and Summer Food Service Program, as well as to purchases of fresh produce for these programs by the Department of Defense.

While the statute permits institutions to apply a geographic preference to the maximum extent practicable and appropriate, it does not require institutions to purchase locally grown and locally raised agricultural products, or to apply a geographic preference in their procurements of these products.

The institution responsible for the procurement may define the area for any geographic preference (e.g., state, county, region, etc.). Geographic preference may only be applied to the procurement of unprocessed agricultural products which are locally grown and locally raised, and that have not been cooked, seasoned, frozen, canned, or combined with any other products. This does not preclude minor handling and preparation that might be necessary to present an agricultural product to a school food authority in a useable form, such as washing vegetables, bagging greens, butchering livestock and poultry, pasteurizing milk, and putting eggs in a carton. Additionally, using a minimal amount of preservatives on locally grown produce may be needed for the purpose of preventing spoilage and would be acceptable. It is also important to note that all milk served in the Child Nutrition Programs must be pasteurized and meet State and local standards. Pasteurized milk is the only dairy product for which geographic preference may be applied. Institutions should also ensure that any products purchased are in compliance with their Hazard Analysis and Critical Control Point (HACCP) plan.

While a geographic preference may be used to encourage the purchase of locally grown and locally raised products by enabling an institution to grant an advantage to local growers, this provision does not eliminate the requirement for procurements to be conducted in a manner that allows for free and open competition, consistent with the purchasing institution's responsibility to be responsible stewards of federal funds.

Please feel free to contact your state agency representative with any questions.